

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

In re: MAIZE GRIFFIN

**Case Number: 09-74702-FJS
Chapter 7**

Debtor.

MOTION FOR RETURN OF UNCLAIMED FUNDS

NOW COMES Patricia Fetterly, Administrator for the Estate of Maize Griffin and requests this Court enter an Order authorizing the return of unclaimed funds held by the United States Bankruptcy Court, Eastern District of Virginia, Norfolk Division, and in support thereof states as follows:

1. On or about November 9, 2009, Maize Griffin (the "Debtor") filed for relief under Chapter 7 of Title 11 of the United States Code.
2. Tom C. Smith, Jr. ("Trustee") was the duly appointed Chapter 7 Trustee.
3. The Debtor received his Discharge on or about February 22, 2010, and the case was closed on or about March 1, 2010 after the Trustee filed a Report of No Distribution.
4. The case was reopened on or about October 23, 2020, due to the recovery of certain funds in the amount of \$9,282.40 (the "Funds").
5. The Trustee then requested the Court issue a *Notice of Need to file Proof of Claims*, and Notice was given on or about October 25, 2020.

**James L. Pedigo, Jr. (VSB#30796)
Winchester Pedigo & Power, PLC
500 East Plume Street, Suite 801
Norfolk, Virginia 23510
E-Mail: Pedigo@HarbourLaw.us
757-622-1621
Counsel for Debtor(s)**

6. That no proofs of claims, or insufficient claims, were filed and no distribution to creditors was made by the Trustee.

7. The Trustee then issued a check payable to the Debtor. The check was mailed to Debtor's counsel.

8. Counsel for the Debtor, after making good faith attempts, could not locate the Debtor and returned the funds to the Trustee.

9. The Trustee deposited the unclaimed funds with the Court on or about April 26, 2021.

10. That it has been discovered the Debtor is deceased having passed away on or about June 8, 2015. See **Exhibit A**.

11. That on or about July 29, 2015, the Debtor's daughter, Patricia Fetterly ("Administrator") was appointed Administrator of the Debtor's Estate by the Clerk of the Circuit Court for the City of Portsmouth, Commonwealth of Virginia. See **Exhibit B**.

12. It being the Administrator's duty to recover assets for the deceased Debtor's intestate estate, the Administrator is requesting the return of Unclaimed Funds so such funds may be distributed to the Debtor's heirs.

13. The Administrator believes there are no other parties entitled to the funds.

WHEREFORE, Patricia Fetterly, Administrator, respectfully requests the entry of an Order authorizing the return of Unclaimed Funds in the amount of \$9,282.40 pursuant to Rule 9013 of the Federal Rules of Bankruptcy

Procedure at §3011(3) of the Local Bankruptcy Rules of the Eastern District of Virginia.

**Patricia Fetterly, Administrator
Of the Estate of Maize Griffin**

Dated: July ¹⁵8, 2021

By: James L. Pedigo, Jr.

Certificate of Service

I certify that on the ^{15th}8th day of July 2021, a true and correct copy of the foregoing Motion for Return of Unclaimed Funds was sent via the electronic case filing system to Chapter 7 Trustee, the United States Trustee, those creditors who have registered on that system or otherwise requested notice of pleadings and via email to Patricia Fetterly, Administrator of the Estate of Maize Griffin at 5110 Keswick Court, Suffolk, VA 23435.

James L. Pedigo, Jr.
Of Counsel

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

In Re:

In re: MAIZE GRIFFIN

**Case Number: 09-74702-FJS
Chapter 7**

Debtor.

NOTICE OF MOTION FOR RETURN OF UNCLAIMED FUNDS; Patricia Fetterly, Administrator for the Estate of Maize Griffin, the Debtor, by counsel, James L. Pedigo, Jr., have filed papers with the Court; your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

Under Local Bankruptcy Rule 9013-1, unless a written response to this motion and supporting memorandum are filed with the Clerk of Court and served on the moving party within **twenty-one (21) days** of the mailing of this notice objecting to the relief requested, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.

If you do not want the Court to grant this request, or if you want the Court to consider your views on the Motion, then you or your attorney must file with the Court your response and objection and request a hearing to the address listed below

U.S. Bankruptcy Court
Norfolk Division
600 Granby Street
Norfolk, VA 23510

If you mail your request to the court for filing, you must also mail a copy to:

James L. Pedigo, Jr.
Winchester Pedigo & Power PLC
500 East Plume Street, Suite 801
Norfolk, VA 23510

James L. Pedigo, Jr. (VSB#30796)
Winchester Pedigo & Power PLC
500 East Plume Street, Suite 801
Norfolk, Virginia 23510
E-Mail: Pedigo@HarbourLaw.us
757-622-1621
Counsel for Debtor(s)

Dated: July 15, 2021


/s/ James L. Pedigo, Jr.
Of Counsel

CERTIFICATE OF SERVICE

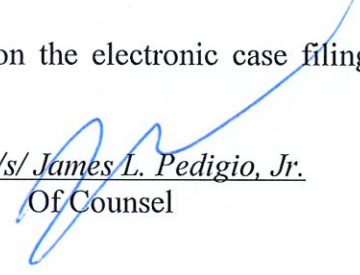
I do hereby certify that on this 15th day of July, 2021, I sent via the electronic case filing system or via first class mail, postage prepaid, a copy of the foregoing Motion for Return of Unclaimed Funds to:

Patricia Fetterly
Administrator, Estate of Maize Griffin
5110 Keswick Court
Suffolk, VA 23435

Office of the U.S. Trustee
200 Granby Mall, Federal Bldg., Room 625
Norfolk, Virginia 23510

Tom C. Smith, Jr.
Chapter 7 Trustee
PO Box 1506
Virginia Beach, VA 23451

and to those creditors who have registered on the electronic case filing system or otherwise requested notice of pleadings.


/s/ James L. Pedigo, Jr.
Of Counsel

VERIFY PRESENCE OF WATERMARK PAGE 6 OF 8

0390161 COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDSCOMMONWEALTH OF VIRGINIA - CERTIFICATE OF DEATH
DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS - RICHMOND

LOCAL HEALTH AREA NUMBER 220		DEATH RATE NUMBER		STATE FILE NUMBER	
NAME GRIFFIN					
SEX MALE		DATE OF BIRTH JUNE 8, 2015		DATE OF DEATH DECEMBER 11, 2015	
WAS DECLARED OVER 100 YEARS OF AGE NO		7. DID PLACE IN STATE OR FOREIGN COUNTRY NORTH CAROLINA		8. SOCIAL SECURITY NUMBER 237-141-1174	
1. STREET ADDRESS (INCLUDE HOUSE AND/OR APT. NO.) 11 KING STREET APT 310		10. CITY OR TOWN OF RESIDENCE PORTSMOUTH		12. ZIP CODE 23704	
11. COUNTY OF US DEATH PORTSMOUTH		13. U.S. STATE OF US DEATH VIRGINIA		14. ZIP CODE 23704	
15. RACE OF DECEASED (CHECK ONE) WHITE					
16. DECEASED'S RELIGION (CHECK ONE) METHODIST					
17. DECEASED'S OCCUPATION BUSINESS OWNER					
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This is to certify that this is a true and correct reproduction or abstract of the official record filed with the Virginia Department of Health, Richmond, Virginia.

DATE ISSUED: JUN 25 2015

Do not accept unless on security paper with the seal of Virginia Department of Health, Vital Statistics in the lower left hand corner. Section 32.1-272, Code of Virginia, as amended.

Janet M. Rainey
Janet M. Rainey, State Registrar

VS 15C

EXHIBIT

tabbles

A

CERTIFICATE/LETTER OF QUALIFICATION

Court File No. CWF150000605

COMMONWEALTH OF VIRGINIA

VA. CODE §§ 6.2-893, 6.2-1171, 6.2-1365, 6.2-1367, 64.2-2011, 64.2-506, 64.2-607

Portsmouth Circuit Court

I, the duly qualified clerk/deputy clerk of this Court, **CERTIFY** that on July 29, 2015

DATE

Patricia Fetterly

NAME(S) OF PERSON(S) QUALIFYING

duly qualified in this court, under applicable provisions of law, as **Administrator** of the estate of

Maize Griffin

☒ DECEASED ☐ MINOR ☐ INCAPACITATED

The powers of the fiduciary(ies) named above continue in full force and effect.

\$1,000.00 bond has been posted.

Given under my hand and the seal of this Court on

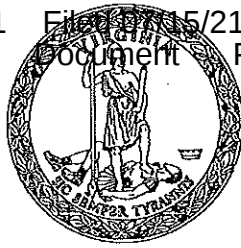
July 29, 2015

DATE

Cynthia P. Morrison, Clerk

by [Signature], Deputy Clerk





OFFICIAL RECEIPT
PORTSMOUTH CIRCUIT COURT
1345 COURT ST.
PORTSMOUTH, VA 23704
757393-8671

WILLS/FIDUCIARY

DATE: 09/23/15 TIME: 12:35:12 ACCOUNT: 740CWF150000809 RECEIPT: 15000024279
CASHIER: YBD REG: MP25 TYPE: AFN PAYMENT: FULL PAYMENT
INSTRUMENT : 150000809 BOOK: PAGE: RECORDED: 09/23/15 AT 12:35
INDEXED: GRIFFIN, MAIZE; DECEASED LOC: CI
PRINCPL: GRIFFIN, MAIZE; DECEASED PCT: 100%

RECEIVED OF : FETTERLY, PATRICIA
CASH: \$20.00

DESCRIPTION 1: AFFIDAVIT OF NOTICE REGARDING ESTATE
2:

PAGES: 0

MAP:

PIN:

037	WILLS AND ADMIN.	.00	216	CITY WILLS & ADMIN.	.00
302	WILLS & ADMIN.	14.50	145	VSLF	1.50

TENDERED	:	20.00
AMOUNT PAID:		16.00
CHANGE AMT :		4.00

CLERK OF COURT: CYNTHIA P. MORRISON

PAYOR'S COPY
RECEIPT COPY 1 OF 3